

**SUBCHAPTER 5
VACATIONS AND SHIFT DIFFERENTIAL**

350-40. Vacations. 1. DEFINITIONS. a. Active service means the time spent as an employe on the city of Milwaukee payroll in a position qualifying for fringe benefits. In order for this time spent to count as active service for vacation purposes, such time, together with any authorized unpaid leaves of absence and mandatory furlough time, must be continuous from the date of appointment. Active service shall also include the time an employe taking a military leave would have spent on the city of Milwaukee payroll in a position qualifying for fringe benefits if he or she had not taken a military leave.

b. Anniversary date means the date an employe completes 12 months of active service in a position qualifying for fringe benefits following appointment to the city of Milwaukee. After completion of the first 12 months of active service an employe's anniversary date shall not change.

2. ELIGIBILITY. a. General Eligibility Requirements. a-1. Eligibility for a vacation shall begin after completion of 12 months of active service following appointment except as otherwise provided in some labor agreements and for management employes. A department head may permit an employe to take vacation after 6 months of active service if the convenience of the service is promoted and if that employe is expected to complete a full year of service. Effective pay period 13, 2007, eligibility of management employes for vacation benefits shall begin immediately as it is accrued each pay period.

a-2. Annual vacation eligibility in subsequent fiscal years shall be based on the total active service time completed during the 12 month period following the employe's anniversary date in the previous fiscal year, except as provided in sub. 3-a-1 or for those employes represented by certified bargaining units. Usage of vacation shall be based on a fiscal year basis.

b. City Contracts. In the case of persons who are presently employes of the city, but who continuously performed services for the city, first by working for an individual corporation, or partnership, or other types of organizations which contracted to perform these services for the city of Milwaukee, and who are now performing services as actual employes of the city of Milwaukee, the 6-year period specified in sub. 3 shall include time both as an employe of such contractor and as an employe of the city, provided such employes are eligible under sub. 3.

3. TIME EARNED FOR ANNUAL VACATION PERIOD. a. Full Time Employes.

a-1. Management pay plan employes, except the executive director of the employes' retirement system, the fire chief, the chief of police and public officials appointed pursuant to s. 62.51, Wis. Stats., and their deputies, and nonrepresented, nonmanagement employes, except police aides, shall earn vacation time for a fiscal year on a pay period basis in the following manner:

a-1-a. 3.7 hours per pay period for employes who have completed less than 4 years of active service.

a-1-b. 5.3 hours per pay period for employes who have completed at least 4 years but less than 9 years of active service.

a-1-c. 6.8 hours per pay period for employes who have completed at least 9 years but less than 14 years of active service.

a-1-d. 8.4 hours per pay period for employes who have completed at least 14 but less than 21 years of active service.

a-1-e. 9.9 hours per pay period for employes who have completed at least 21 years of active service.

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a-1-f. 10.5 hours per pay period for employees who were on the payroll, or leave of absence or working toward year-round employment as of January 1, 1964.

a-1-g. 10.8 hours per pay period for employees who were on the payroll, or leave of absence or working toward year-round employment as of January 1, 1963.

a-1-h. Effective pay period 13, 2007, if it becomes necessary to recruit a management employee at a vacation rate above the minimum of 3.7 hours per pay period, the department of employee relations, with the concurrence of the chair of the committee on finance and personnel, may authorize vacation at the rate of 5.3 hours per pay period which will provide a third week of vacation. A listing of appointments made pursuant to this provision shall be communicated to the committee on finance and personnel.

a-1-i. Effective pay period 1, 1996, the amount of vacation earned by an employee in 1995 for use in 1996 shall be placed in a transitional vacation account (TVA). TVA hours may be scheduled and used as vacation hours with the approval of the department head. Employees may not borrow vacation hours unless and until TVA hours have been exhausted.

a-2. Public officials appointed pursuant to s. 62.51, Wis. Stats., as well as the executive director of the employees' retirement system, the fire chief and the chief of police, shall earn vacation time for a fiscal year on a pay period basis in the following manner:

a-2-a. Officials who have completed less than 9 years of active service shall earn 5.3 hours per pay period.

a-2-b. Officials who have completed at least 9 years but less than 14 years of active service shall earn 6.8 hours per pay period.

a-2-c. Officials who have completed at least 14 years of active service shall earn 8.4 hours per pay period.

a-2-d. Officials who have completed at least 21 years of active service shall earn 9.9 hours per pay period.

a-3. Employees holding positions represented by a certified bargaining unit will be governed by the schedule provided in the labor agreement between the city and their union.

b. Part-time Employees. Employees who work an average of 20 hours per week on a year-round basis in a position which is budgeted as half-time or more shall be able to earn, according to their years of service as provided in par. a, vacation on a prorated basis.

c. Administration. c-1. The heads of departments, bureaus, authorities, commissions or other bodies under the control of the common council shall arrange and designate the earned vacation as provided in this subsection, except for those employees excluded from benefits under s. 350-237.

c-2. The amount of vacation time taken during a fiscal year, except for separation from service as provided in sub. 4 shall be limited to the maximum noted in par. a. These maximums are not guarantees; an employee is not entitled to any greater vacation with pay than that which he or she has earned.

4. UNEARNED TIME DEDUCTIBLE. Vacation taken before the full amount has been earned shall be considered time owed the city until it is earned. An employee who has completed one year of vacation eligible service may borrow up to 80 hours of vacation before it is earned. In no case may an employee's vacation account balance be less than 80 negative hours. Any employee who leaves the service of the city due to resignation, retirement, termination, discharge, lay off or death will have the compensation for vacation time owed the city deducted from the final paycheck. Any employee who leaves the service of the city due to resignation, retirement, lay off or death or who takes military leave will be paid for earned vacation time that has accumulated. Discharged employees are not entitled to pay for accumulated vacation time.

5. MAXIMUM VACATION BALANCES. The maximum amount of vacation an employee can maintain in his or her vacation account shall be as follows:

a. Management Employees.

a-1. 176 hours for employees who have completed less than 4 years.

a-2. 216 hours for employees who have completed 4 years of service but less than 9 years of service.

a-3. 256 hours for employees who have completed 9 years of service but less than 14 years of service.

a-4. 296 hours for employees who have completed 14 years of service but less than 21 years of service.

a-5. 336 hours for employees who have completed at least 21 years of service.

a-6. 352 hours for employees described in sub. 3-a-1-f.

a-7. 360 hours for employees described in sub. 3-a-1-g.

b. **N o n m a n a g e m e n t ,**
Nonrepresented Employees.

b-1. 136 hours for employees who have completed less than 4 years.

b-2. 176 hours for employees who have completed 4 years of service but less than 9 years of service.

b-3. 216 hours for employees who have completed 9 years of service but less than 14 years of service.

b-4. 256 hours for employees who have completed 14 years of serviced but less than 21 years of service.

b-5. 296 hours for employees who have completed at least 21 years of service.

b-6. 312 hours for employees described in sub. 3-1-a-f.

b-7. 320 hours for employees described in sub. 3-a-1-g.

7. REINSTATEMENT AFTER RESIGNATION. When an employee who has resigned from the city service applies for reinstatement, the city service commission may grant that employee credit for prior service with the city for vacation purposes if the situation should warrant that action.

8. DEPARTMENTAL APPROVAL. Vacations may be divided into 2 or more periods if thought advisable by the respective department heads. The department heads shall determine when such vacation periods shall be granted, the practical considerations involved in the efficient operation of the department and give consideration to the convenience of the employees.

9. ELECTED AND APPOINTED OFFICIALS. Nothing in this section shall be construed to prevent elective or appointive officials or their assistants, with fixed terms of office, from taking a vacation within the first 12 months after election or appointment.

10. VACATION RECORDS. The director of employe relations, in checking payrolls or accounts of salaries and wages of officers and employees in the city departments, bureaus, authorities, boards, commissions or other bodies shall check and keep a record of the time allowed to employees for vacations and shall make certification to the comptroller that the total time allowed for vacation to any one employe during any fiscal year is in accordance with the vacation allowance set forth in this section. Where the vacation allowance with pay exceeds that set forth in this section, the director of employe relations shall withhold certification to such payrolls or accounts of salaries or wages in the manner provided in s. 350-112.

11. ADMINISTRATION. Uniform administration, interpretation and enforcement shall be vested in the director of employe relations, except that as to fire and police personnel, the fire and police commission shall have the same power and responsibility.

14. EXCLUSIONS. a. Certified Bargaining Unit Members. Except for sub. 15-a, the provisions of this section shall not govern employees holding positions represented by the following certified bargaining units:

a-1. Association of Law Enforcement Allied Services Personnel (Clerical Unit).

a-2. Association of Law Enforcement Allied Services Personnel (Police Aide Unit).

a-3. District Council #48, AFSCME, AFL-CIO.

a-4. International Association of Machinists and Aerospace Workers, Local #510.

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a-5. Joint Bargaining Unit of Local 139, IUOE, AFL-CIO & DC #48, AFSCME.

a-6. Local #195, IBEW, AFL-CIO.

a-7. Local #494, IBEW, AFL-CIO (Electrical Group).

a-8. Local #494, IBEW, AFL-CIO (Machine Shop).

a-9. Milwaukee Police Association.

a-10. Milwaukee Police Supervisors' Organization.

a-11. Milwaukee Professional Fire Fighters Association, IAFF, AFL-CIO.

a-12. Public Employees Union #61, LIUNA.

a-13. Association of Municipal Attorneys.

b. Labor Agreement Members. Vacations for employees holding positions represented by the certified bargaining units listed in par. a will be governed by the labor agreement between the city and the union.

c. Certain Nonrepresented Members of Fire and Police Departments. The provisions of subs. 1 to 11 are not applicable to nonrepresented, noncivilian members of the police and fire departments and nonrepresented police aides. The provisions of subs. 7, 8 and 10 are not applicable to nonrepresented civilian employees of the police and fire departments.

15. POLICE DEPARTMENT.

a. Members of the Police Force.

a-1. Special Service Credit. Police department employees in active service and in the following position classifications shall have time spent on duty disability pension included as years of service for purposes of computing current and prospective vacation benefits:

a-1-a. Chief of police.

a-1-b. Assistant chief of police.

a-1-c. Deputy chief of police.

a-1-d. Police commander.

a-2. Police Heroism. The chief of police is authorized to establish departmental rules in accordance with city ordinances for the purpose of granting additional vacation and off days to members of the police force who demonstrate outstanding merit in the apprehension of criminals and meritorious acts of heroism and bravery beyond the call of duty. No more than 14 additional off days shall be granted to any one member of the police force in a calendar year.

b. Nonrepresented Members of the Police Force and Nonrepresented Police Aides.

b-1. Definitions. The following definitions shall be used solely for the purpose of computing the current and prospective vacation benefits under this paragraph:

b-1-a. "Active Service" means the time spent as a regular employee on the city of Milwaukee payroll, including the performance of assigned duties for the city and paid time not worked. In order for paid time to count as active service for vacation purposes, such time, together with any authorized unpaid leaves of absence must be continuous from the date of appointment. Active service shall also include the time spent by an employee who takes a military leave. In the event of an employee's resignation, discharge or retirement from city employment, active service shall cease as of the employee's last day at work.

b-1-b. "Anniversary Date" means the date an employee completes 12 months of active service following appointment to the city of Milwaukee as a regular employee. After the completion of the first 12 months of active service, an employee's vacation anniversary date shall not change.

b-1-c. "Years of Service" means the duration of time in active service.

b-2. Eligibility. Eligibility for vacation shall begin after the completion of 12 months of active service following appointment. An employee whose service is expected to continue so as to complete a year's active service may, after 6 months of active service and at the sole discretion of the chief of police, be allowed to take vacation time within the year of appointment. However, if the employee leaves the service of the city before the completion of the initial 12-month period, that vacation shall be deemed unearned and payments made during the vacation shall be deducted upon termination of employment.

b-3. Time Earned for Annual Vacation Periods. Vacation time for nonrepresented members of the police force and police aides not represented by a collective bargaining unit shall be earned at the following rates:

b-3-a. 3.1 hours per pay period for employees who have completed fewer than 6 years of service.

b-3-b. 4.7 hours per pay period for employees who have completed 6 years but

fewer than 11 years of active service.

b-3-c. Effective in calendar year 2000, 6.2 hours per pay period for employees who have completed 11 years but fewer than 19 years of service. Such leave shall be earned from an employee's anniversary date in 2000 for use in 2001.

b-3-d. Effective in calendar year 2000, 7.7 hours per pay period for employees who have completed 19 years of service. Such leave shall be earned from an employee's anniversary date in 2000 for use in 2001.

b-3-e. The chief of police shall be entitled to 15 vacation days per calendar year, earned at the rate of 4.7 hours per pay period, regardless of length of active service. If the chief has at least 11 years but fewer than 19 years of active service with the city, he or she shall be entitled to 19 vacation days per calendar year, earned at the rate of 6.2 hours per pay period. If the chief has at least 19 years active service with city, he or she shall be entitled to 25 vacation days per calendar year, earned at the rate of 7.7 hours per pay period.

b-3-f. Effective pay period 1, 1999, the amount of vacation earned by a member of the police force in 1998 for use in 1999 shall be placed in a transitional vacation account(TVA). TVA hours may be scheduled with the approval of the chief. A member of the police force may not borrow vacation hours until all of his or her TVA hours have been exhausted.

b-4. Limitations. The amount of vacation time taken during a fiscal year, except for separation from service as provided in subd. 5, shall normally be limited to the annual maximum consistent with par. c. Additional vacation may be taken only with the approval of the chief of police.

b-5. Early Vacation; Separation. Vacation time taken before the full amount has been earned shall be considered time owed the city until it is earned. An employee who has completed one year of vacation eligible service may borrow up to 80 hours of vacation before it is earned. Any employee who leaves the service of the city due to resignation, retirement, termination, discharge, lay off or death will have the compensation for vacation time owed the city deducted from the final pay check. In the event the employee's last pay check is for an amount less than the amount of compensation owed the city, a deduction

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shall also be made from the employee's next preceding pay check that covers the balance of compensation owed the city. Any employee who leaves the service of the city due to resignation, retirement, lay off or death or who takes military leave will be paid for earned vacation time that has accumulated. Discharged employees are not entitled to pay for accumulated vacation time.

b-6. **Employees on Injury Leave.** An employee who is on authorized injury leave as result of a duty-incurred injury may use vacation scheduled during the period of such leave provided the police department administration receives a written advance request to use the vacation and provided the employee's private physician has authorized the use of this vacation.

b-7. **Employees on Sick Leave.** Employees who have scheduled vacation during a period of authorized sick leave shall abide by the rules and procedures of the department.

b-8. **Scheduling.** The assignment and scheduling of vacations with pay shall be controlled by the chief of police.

c. **Maximum Vacation Balances.**

c-1. The maximum amount of vacation an employee can maintain in his or her vacation account shall be as follows:

c-1-a. 160 hours for employees who have completed fewer than 6 years of service.

c-1-b. 200 hours for employees who have completed 6 years of service but fewer than 11 years of service.

c-1-c. 240 hours for employees who have completed 11 years of service but fewer than 19 years of service.

c-1-d. 280 hours for employees who have completed at least 19 years of service.

16. FIRE DEPARTMENT. a. **Special Service Credit.** Effective January 1, 1984, fire department employees in active service and in the following position classifications on such date shall have any time spent on duty disability pension included as years of service for purposes of computing current and prospective vacation benefits:

- a-1. Fire chief.
- a-2. Assistant fire chief.
- a-3. Deputy chief, fire.
- a-4. Battalion chief classifications.
- a-5. Chief dispatcher of fire alarm and telegraph.

b. **Nonrepresented Noncivilian Employees of the Fire Department.** b-1. **Definitions.** The following definitions shall be used solely for the purpose of computing the current and prospective vacation benefits under this paragraph:

b-1-a. "Active Service" means the time spent as a regular employee on the city payroll including the performance of assigned duties for the city and paid time not worked. In order for paid time to count as active service for vacation purposes, such time, together with any authorized unpaid leaves of absence must be continuous from the date of appointment. Active service shall also include the time spent by an employee who takes a military leave. In the event of an employee's resignation, discharge or retirement from city employment, active service shall cease as of the employee's last day at work.

b-1-b. "Anniversary Date" means the date an employee completes 12 months of active service following appointment to the city as a regular employee. After the completion of the first 12 months of active service, an employee's vacation anniversary date shall not change.

b-1-c. "Years of Service" means the duration of time in active service.

b-2. **Eligibility.** Eligibility for vacation shall begin after the completion of 12 months of active service following appointment. An employee whose service is expected to continue so as to complete a year's active service may, after 6 months of active service and at the sole discretion of the chief engineer, fire, be allowed to take vacation time within the year of appointment. However, if the employee leaves the service of the city before the completion of the initial 12-month period, that vacation shall be deemed unearned and payments made during the vacation shall be deducted upon termination of employment.

b-3. **Time Earned Per Week.** Effective pay period 1, 2004, and thereafter, employees in active service during a fiscal year and whose normal hours of work exceed 40 hours per week shall be entitled to vacation with pay during that fiscal year at the following rates:

b-3-a. 3.7 hours per pay period for employees who have completed fewer than 6 years of active service.

b-3-b. 5.6 hours per pay period for employees who have completed 6 years but fewer than 11 years of active service.

b-3-c. 8.4 hours per pay period for employees who have completed 11 but fewer than 19 years of active service.

b-3-d. 10.2 hours per pay period for employees who have completed 19 years or more years of active service.

b-5. Time Earned for Annual Vacation Periods for Normal Hours of Work Averaging 40 Hours Per Week. Employees in active service during a fiscal year and whose normal hours of work average 40 hours per week shall be entitled to vacation with pay during that fiscal year at the following rates:

b-5-a. 3.4 hours per pay period for employees who have completed fewer than 6 years of active service.

b-5-b. 5 hours per pay period for employees who have completed 6 but fewer than 11 years of active service.

b-5-c. 6.5 hours per pay period for employees who have completed 11 but fewer than 19 years of active service.

b-5-d. 8 hours per pay period for employees who have completed 19 or more years of active service.

b-5-e. Transitional Vacation Account. Effective pay period 1, 2004, the amount of vacation earned by an employee covered by this subsection in 2003 for use in 2004 shall be placed in a transitional vacation account (TVA). Employees who have not used all of their entitled 2002 vacation time within fiscal year 2003 shall have such vacation hours placed into their TVA accounts. TVA hours may be scheduled with the approval of the chief. An employee may not borrow vacation hours until all of his or her TVA hours have been exhausted.

b-7. Prorata Earning of Vacation; Differing Normal Hours of Work. Employees whose normal hours of work during a fiscal year fall into both categories described in subds. 3 and 5 because of the nature of their duty assignments that year, shall earn the vacation with pay at the rate they are entitled to under subds. 3 and 5, prorated on the basis of their length of service in each category during that year.

b-8. Limitations. The time period during which an employee earns vacation with

pay for a fiscal year shall be limited to the employee's period of active service between his or her anniversary date for that fiscal year and his or her immediate preceding anniversary date. The amount of vacation time taken during a fiscal year, except for separation from service as provided in subd. 11, shall normally be limited to the maximum amounts noted in subds. 9 and 10. Additional vacation may be taken only with the approval of the fire chief.

b-9. Maximum Vacation Balances for Employees. The maximum amount of vacation that employees can maintain in their vacation accounts shall be as follows:

b-9-a. 192 hours for employees who have completed fewer than 6 years of active service.

b-9-b. 240 hours for employees who have completed 6 years of service but fewer than 11 years of active service.

b-9-c. 312 hours for employees who have completed 11 years of service but fewer than 19 years of active service.

b-9-d. 360 hours for employees who have completed 19 or more years of active service.

b-10. Early Vacation; Separation. Vacation time taken before the full amount has been earned shall be considered time owed the city until it is earned. Any employee who leaves the service of the city due to resignation, retirement, termination, discharge, lay off or death will have the compensation for vacation time owed the city deducted from the final pay check. If the employee's last pay check is for an amount less than the amount of compensation owed the city, a deduction shall also be made from the employee's next preceding pay check that covers the balance of compensation owed the city. Any employee who leaves the service of the city due to resignation, retirement, lay off or death or who takes military leave will be paid for earned vacation time that has accumulated. If an employee returns to duty prior to his or her next following anniversary date, any vacation time earned and taken hereunder shall be offset against the employee's earned vacation time for the fiscal year in which that anniversary date falls. Discharged employees are not entitled to pay for accumulated vacation time.

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b-11. Employees on Injury Leave. An employee on authorized injury leave as a result of a duty-incurred injury may use vacation scheduled during the period of such leave provided he or she notifies his or her immediate supervisor orally of this fact prior to the start of such vacation and indicates the time when the vacation is to be used.

b-12. Employees on Sick Leave. An employee on authorized sick leave may use vacation scheduled during the period of such leave, provided he or she notifies his or her immediate supervisor orally of this fact prior to the start of such vacation and indicates the time when such vacation is to be used.

b-13. Scheduling. The assignment and scheduling of vacations with pay shall be controlled by the fire chief.

b-14. Administration. Administration and control of the provisions of this subsection shall be under the fire chief.

350-42. Suburban Service to be Recognized When Municipality is Consolidated. Whenever employees of any suburban community are taken into the service of the city because of consolidation of municipalities, the length of time during which they have been employed by such suburban community shall be taken into account by determining eligibility for vacations, and for vacations of increased length, in like manner as though such service had been rendered to the city.

350-45. Accrued Time-Off Donor Program.

1. ESTABLISHED. There is established a city-wide catastrophic illness leave donation program administered by the department of employee relations to provide income protection to eligible employees who have exhausted all paid leave and are suffering from a terminal or major catastrophic illness and are unable to work full time.

2. DONATION RULES. a. Employees interested in donating accrued time-off shall complete a "Notification Of Intent to Donate Time" form developed by the department of employee relations.

b. Each request to donate time shall specify only one employee to receive the donation. A separate "Notification Of Intent To Donate Time" form must be completed for each employee to whom time is being donated.

c. Employees may donate accrued time in whole-hour increments only.

d. The decision to donate time cannot be rescinded once the "Notification Of Intent To Donate Time" form has been received by the department of employee relations.

e. Employees donating time shall not have any accrued time returned if the employee to whom time is donated does not utilize the entire donation. The city shall take efforts to ensure that loss of donations due to non-utilization are kept to a minimum.

f. The employee donating time shall be notified by his or her department when the donation has been approved by the department of employee relations.

g. The types of leave eligible for donation shall be limited to vacation, compensatory time off, "09" days and time-off in lieu of holidays.

h. Employees may donate no more than 40 hours of accrued time per calendar year.

i. Bargaining unit employees are ineligible to donate accrued time-off until such time their unions execute a memorandum of understanding that allows such donations.

3. RECIPIENTS' ELIGIBILITY CRITERIA AND RULES. a. Prior to April 1, 1999, eligible employees may receive donations of accrued time-off totalling not more than 3,120 hours per illness from any qualified city employee regardless of department or union affiliation. From and after April 1, 1999, eligible employees may receive donations of 2,080 hours per illness from any qualified city employee regardless of department or union affiliation.

b. Employees qualified to receive donations of time, or their appropriate authorized agents, must complete an "Application for Accrued Time-Off Donor Program" form, which shall be available from the department of employee relations.

c. The employee, or his or her authorized agent, shall be responsible for completing the applications and obtaining a physician's statement certifying that the employee meets the program's medical requirements.

d. No determination regarding eligibility to receive donated time shall be made until the department of employee relations has received a completed

application and physician's statement certifying that the employee is suffering from a terminal or major catastrophic illness. An employee shall not be eligible to receive accrued time unless and until he or she has exhausted all of his or her own accrued time-off. Although the decision of the department of employee relations respecting eligibility shall be final, employees who are denied this benefit shall be entitled to a written explanation as to why they did not qualify for participation in the program.

e. The city of Milwaukee reserves the right to require the employee to obtain, at his or her own expense, if not covered by the employee's health insurance provider, a second opinion from a physician of the employee's choice as to the nature of the physician's diagnosis and prognosis contained in the physician's statement.

f. Employees eligible to participate in the program and receive donations of time shall be so notified by the department of employee relations.

g. Donations of time shall be credited to a special account for the employee established by the city for this purpose. In the event the employee does not utilize the entire donation, any remaining time shall revert to the city. Donated time may only be used to cover absences during the period this policy is in effect. However, any employee previously approved under this section prior to the date of program expiration specified in sub. 6 shall be allowed to utilize this program for the maximum permissible hours identified in this subsection if such hours become available.

h. Employees receiving donations of time may request, in writing, to be notified of the names of employees who donate time for their use.

i. Payments received under this program are considered other income and, under current internal revenue service guidelines, are to be included in the employee's W-2 reporting.

j. Bargaining unit employees are ineligible to receive donations of accrued time-off until such time their unions execute a memorandum of understanding that allows members to receive such donations.

k. Employee recipient balances in any accrued time-off donor program in existence prior to passage of this ordinance shall transfer to the program established in this section.

4. PARTICIPATION BY EMPLOYEE UNIONS. a. City employee unions shall have until 60 days after the effective date of this section adopting a program to sign memoranda of understanding enabling their members to participate in this program. No bargaining unit employee may participate in this program unless and until his or her union signs a memorandum of understanding enabling such participation. Such agreement does not constitute a waiver of rights under the Wisconsin Municipal Employment Relations Act.

b. Disputes arising from the administration of this benefit are not subject to grievance procedures, and memoranda of understanding shall be signed by each participating union to that effect.

c. This program shall constitute the sole means by which employees may donate and receive time-off in cases of terminal or major catastrophic illness.

5. WORKFORCE NOTIFICATION. Upon confirmation of eligibility, and at the recipient employee's request, the department of employee relations shall provide each department with pertinent information regarding the recipient employee for the purpose of communicating the need for donations to other employees.

6. REPORT. The department of employee relations shall report quarterly to the finance and personnel committee of the common council detailing program administration and utilization, including the number of requests, approvals and denials.

7. DURATION. This program shall expire for affected bargaining unit, nonmanagement-nonrepresented and management employees if and when a successor benefit which addressed the need for income protection in situations of terminal or major catastrophic illness for the affected employee group is implemented by the city.

350-50. Shift, Weekend and Holiday Differential Compensation for City Employees.

1. AUTHORIZATION FOR SHIFT DIFFERENTIAL COMPENSATION. This section establishes a standard of compensation which shall be applicable for employees working regularly at hours other than those to be considered as the usual daily working period, with certain exceptions, and such compensation shall be

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termed "shift differential compensation".

2. **APPLICABILITY.** The positions and departments named in this subsection shall be eligible for shift differential compensation, provided that the controlling principle in this listing of positions is the type of work performed and not the individual job classifications that are listed. Any employee who works a shift which is recognized in the department and activity listing in this subsection is eligible for shift differential compensation, provided the employee meets the conditions set forth in sub. 4.

a. **Neighborhood Services, Department of.** Employees in the building maintenance section who are assigned, on a regular basis, between the hours of 3 p.m. and 11 p.m. for the purpose of conducting emergency and fire prevention types of inspections.

b. **Data Processing.** Key punch operators and computer operators employed by the department of administration.

c. **City Development, Department of.** Technical and maintenance employees regularly assigned operating and maintenance duties on the 2nd and 3rd shift.

d. **Fire Department.** Employees performing custodial work in fire department buildings.

e. **Harbor Commission.** Operating division employees assigned to cargo handling and related harbor operations.

f. **Health Department.** Professional, subprofessional and maintenance staffs at clinic locations; nurses; office assistants and sanitarian positions.

g. **Library Board.** Librarians, library aides, clerks, some custodians, building maintenance and custodial work supervisors, mechanics and elevator operators and employees who are employed for an average of 20 hours per week.

h. **Municipal Court.** Employees in positions otherwise eligible who are assigned on a regular basis, between the hours of 3 p.m. and 11 p.m. in conjunction with the evening hours of the municipal court.

i. **Police Department.** Early and late shift custodial and civilian clerical personnel and elevator operators at the police

headquarters building, to include employees which District Council 48 is certified to represent in the buildings and grounds division of the department.

j. **Public Works, Department of.**

j-1. Personnel directly assigned to emergency 2nd shift public works construction activities, as directed by the commissioner of public works.

j-2. Employees in the certified bargaining unit of the Milwaukee Building and Construction Trades Council.

j-3. Employees in the certified bargaining unit of Public Employees Union Local No. 61, LIU of NA, AFL-CIO, CLC.

j-4. Employees in the following positions:

j-4-a. Buildings services supervisors, bridge operators, night complaint clerks, most custodial, and some maintenance employees.

j-4-b. Public works inspectors employed on construction projects, and drafting technicians.

j-4-c. Tree spraying crews employed during summer months, a night fireman-watchman at the municipal nursery, personnel assigned as workers during the erection and display of the community holiday tree.

j-4-d. Night service maintenance and equipment operation personnel.

j-4-e. Asphalt plant watchmen, night emergency field personnel, field personnel in sewer maintenance assigned to 2nd or 3rd shift work.

j-4-f. Employees assigned to night patrol duty, including those being paid prevailing wage rates: electrical mechanics, electrical mechanic apprentices, electrical workers, electrical work trainees represented by the certified bargaining unit of Local No. 494, IBEW, AFL-CIO (Electrical Group).

j-4-g. Shift personnel working at the pumping stations, filtration plant and control center, employees of the distribution station assigned to night emergency duty, employees working as reservoir guards and personnel assigned to water buildings and grounds division.

3. **DEFINITION OF SHIFTS.** a. Shifts justifying shift differential compensation as provided in this section shall be identified as follows:

- a-1. 1st shift - 7 a.m. to 3 p.m.
- a-2. 2nd shift - 3 p.m. to 11 p.m.
- a-3. 3rd shift - 11 p.m. to 7 a.m.

b. In order for an employee to be eligible for 2nd or 3rd shift premium rates, the employee shall be required to work not less than 4 hours of the regular workday in either the 2nd or 3rd shift, and when such employee satisfies that requirement, the employee's entire workday shall be compensated for at the shift differential compensation as set forth in this sub.

c. Paragraph b, as it relates to payment of 3rd shift premium, will not apply to employees in the classification of special equipment operator, while operating the power broom, whose regular workday starts at 4 a.m. These employees will be eligible for 3rd shift premium for the entire regular workday.

4. OTHER ELIGIBILITY REQUIREMENTS. Before shift, weekend or holiday differential compensation shall be made to an employee, the following requirements must be satisfied:

a. Except as provided in par. e, if an employee is absent on compensated leave (vacation, 09 days, holidays, sick leave or funeral leave) during a period in which the employee is assigned 2nd or 3rd shift work the employee's pay shall include any 2nd or 3rd shift premiums which the employee might normally be expected to receive, had the employee not been on such compensated leave. If an employee is absent on compensated leave (vacation, 09 days, holidays, sick leave or funeral leave) during a period in which the employee would normally be assigned weekend or holiday work, the employee's pay shall be at the base rate (without any premiums), except as already provided in this paragraph.

b. Employees being paid at overtime rates, due to any cause, shall not receive shift or weekend differential pay in addition for the same hours regardless of the period worked. Overtime work shall not be considered as eliminating pay for regular shift or weekend assignments which would have resulted in shift or weekend differential pay had the actual overtime hours not been worked.

c. Employees working over and above their normal 40 hour week whether or not on the basis of monetary compensation for overtime, shall not be granted a shift or weekend differential for the additional hours.

Where the regular work week schedule averages 80 hours in a 2 week period and no overtime pay is involved, this schedule for interpretation purposes of this section is considered as a normal 40 hour work week. When noncompensating overtime work is part of the regular work assignment, the actual overtime hours shall be applied to any time during the work week; it need not be applied to the last hours worked.

d. Employees holding positions in the city service compensated on the basis of hourly construction rates whose positions are not

represented by the certified bargaining unit of Local 494, IBEW, AFL-CIO (Electrical Group); or by the Milwaukee Building and Construction Trades Council; or by the certified joint bargaining unit of Local 139, IUOE, AFL-CIO; or by Milwaukee District Council 48, AFSCME, AFL-CIO; and those in classes allocated to pay ranges 550 to 585, 622, 642 to 649, 785 to 790, and salary grades 4 to 20 of the salary ordinance shall not be eligible for differential payments regardless of the period during which the work is performed. However, librarian III positions shall be eligible for shift differential payments subject to the other provisions of this section. Part time nursing personnel shall be eligible for shift, weekend and holiday differential payments when they satisfy the other specified requirements for the differentials.

5. SHIFT DIFFERENTIAL COMPENSATION RATES. Shift differential compensation paid to employees qualifying under this section shall be in the following amounts:

a. Second Shift. A differential of \$0.28 per hour for management, nonrepresented employees and nonmanagement, nonrepresented employees. Effective pay period 17, 2001 this differential shall be \$0.40 per hour. Compensation for employees holding positions represented by a collective bargaining agreement shall be as provided by the labor agreement between the city and the union.

b. Third Shift. A differential of \$0.33 per hour for management, nonrepresented employees and nonmanagement, nonrepresented employees. Effective pay period 17, 2001, this differential shall be \$0.45 per hour. Compensation for employees holding

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positions represented by a collective bargaining agreement shall be as provided by the labor agreement between the city and the union.

6. WEEKEND DIFFERENTIAL COMPENSATION RATES. a. A differential of \$0.35 per hour shall be paid to employees enumerated in this subsection who are not represented by a collective bargaining agreement and who work Saturday on any of the 3 shifts as part of a regular schedule. Effective pay period 17, 2001, the Saturday differential for these employees shall be \$0.50 per hour. A differential of \$0.45 per hour shall be paid to employees enumerated in this subsection who are not represented by a collective bargaining agreement and who work on Sunday on any of the 3 shifts as part of a regular schedule. Effective pay period 17, 2001, the Sunday differential for these employees shall be \$0.60. The differential compensation rates for employees represented by a collective bargaining agreement shall be as provided by the labor agreement between the city and the union.

a-1. Employees specified in sub. 2 are eligible for shift differential compensation.

a-2. Employees in the police department in pay ranges 200 to 245, 300 to 350, 400 to 455, 480 and 490, 500 to 515 and salary grades 1 to 3 of the salary ordinance.

a-3. Laboratory employees of the water works at the Linnwood Avenue filtration plant.

a-4. Sanitation workers, city laborers, both regular and seasonal, in the operations division assigned duties as whitewingers on regular schedule to clean streets and green markets.

a-5. Service maintenance personnel in the operations division.

b. The compensation set forth in this subsection shall be termed "weekend differential" and shall be in addition to base pay and whatever 2nd or 3rd shift premium pay may be earned under provisions of this section. Saturday work as specified in this subsection is defined as any work performed between the hours of 12:01 a.m. Saturday and 12:01 a.m. the following Sunday. Sunday work as specified in this subsection is defined as any work performed between the hours of 12:01 a.m. Sunday and 12:01 a.m. the following Monday. The weekend differential paid for such Saturday and Sunday work shall be

subject to the conditions of eligibility listed in sub. 4.

7. HOLIDAY DIFFERENTIAL COMPENSATION. A differential OF \$0.45 per hour shall be paid to employees who work holidays on any of the 3 shifts as a part of a regular work schedule, with the inclusion or exclusion of certain employees as specified in sub. 4-d with the exclusion of fire and police department personnel and bridge operators. Effective pay period 17, 2001, this differential shall be \$0.60 for eligible employees. A differential of \$0.40 per hour shall be paid to employees holding positions represented by Local 75 Plumbers, AFL-CIO. Holiday work as specified in this subsection is any work, except that which is provided for under s. 350-3, performed on a holiday as defined in s. 350-2-3. This differential shall be subject to the conditions of eligibility listed in sub. 4.

8. WEEKEND DIFFERENTIAL BENEFITS FOR POLICE AIDES. a. Employees Covered. Employees in the police department in active service in the position classification of police aide shall be covered by the provisions of this subsection so long as they remain in active service and within such classification.

b. Weekend Differential Compensation Rates. Employees covered by this subsection whose normal hours of work fall, in whole or in part, on Saturday or Sunday shall be entitled to receive, in addition to their base salary, a payment equivalent to \$0.30 per hour for each hour of work performed on Saturday, and \$0.40 per hour for each hour of work performed on Sunday. These payments shall be termed "weekend differential".

c. Administration. c-1. For purposes of this subsection, "normal hours of work" shall be as established and determined by the chief of police.

c-2. Weekend differential shall be paid on the basis of work performed computed to the nearest 0.1 of an hour.

c-3. Employees performing overtime work shall not be entitled to receive weekend differential.

c-4. The chief of police shall administer the provisions of this subsection.

9. EXCLUSIONS. Employees holding positions represented by the Association of Law Enforcement Allied Services Personnel (Clerical Unit and Police Aide Unit), Fire Equipment Dispatchers, Local #494, IBEW, AFL-CIO and the International Association of Machinists and Aerospace Workers, District No. 10, AFL-CIO, shall not be governed by the provisions of this section. Shift, weekend and holiday differential benefits for these employees will be provided by the labor agreement between the city and their union.

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